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8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10
11 **HARRY R. PITCHER,**
12 Applicant for Licensure as a
13 Pharmacist

Board Case No. 10-0019-PHR

**CONSENT AGREEMENT ORDER
FOR LICENSE WITH PROBATION**

14 **CONSENT AGREEMENT**

15 As Harry R. Pitcher ("Applicant") has made application to the Arizona State
16 Board of Pharmacy (the "Board") for licensure as a pharmacist by reciprocity and,
17 consistent with the public interest, statutory requirements and the responsibilities of the
18 Board under A.R.S. § 32-1901, *et. seq.*, the Board and Applicant enter into the following
19 Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") for
20 licensure with probation.

21 1. Applicant has read and understands this Consent Agreement and has had
22 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
23 opportunity to discuss this Consent Agreement with an attorney.

24 2. Applicant understands that he has a right to a public administrative hearing
25 concerning the above-captioned matter, at which hearing he could present evidence and
26

1 cross examine witnesses. By entering into this Consent Agreement, Applicant knowingly
2 and voluntarily relinquishes all right to an administrative hearing, as well as all rights of
3 rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

5 3. Applicant affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

7 4. Applicant acknowledges and agrees that, upon signing this Consent
8 Agreement and returning this document to the Board's Executive Director, he may not
9 revoke his acceptance of the Consent Agreement or make any modifications to the
10 document regardless of whether the Consent Agreement has been signed by the
11 Executive Director. Any modification to this original document is ineffective and void
12 unless mutually agreed by the parties in writing.

13 5. Applicant understands that the Consent Agreement shall not become
14 effective unless and until approved by the Board and signed by the Board's Executive
15 Director.

16 6. If a court of competent jurisdiction rules that any part of this Consent
17 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
18 shall remain in full force and effect.

19 7. Applicant understands and agrees that if the Board does not adopt this
20 Consent Agreement, he will not assert as a defense that the Board's consideration of this
21 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

22 8. Applicant understands that this Consent Agreement is a public record that
23 may be publicly disseminated as a formal action of the Board and may be reported as
24 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
25 Protection Data Bank.

1 9. Applicant understands that any violation of this Consent Agreement
2 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
3 1901.01(B)(20), -1927(A)(1).

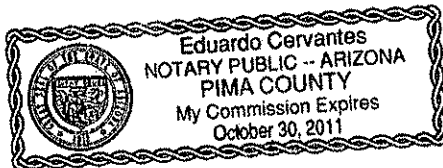
4 10. Applicant agrees that the Board will adopt the following Findings of Fact,
5 Conclusions of Law and Order.

6 ACCEPTED AND AGREED BY HARRY R. PITCHER

7
8 
9 Harry R. Pitcher

Dated: 9-11-9

10 Subscribed and sworn to before me in the County of Pima, State of Arizona,
11 this 11th day of September, 2009, by Harry R. Pitcher.





NOTARY PUBLIC

My Commission expires: October 30, 2011

15
16 **FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for licensing and regulating
18 the practice of pharmacy in the State of Arizona.

19 2. Applicant has applied for licensure as a pharmacist by reciprocity in
20 the State of Arizona.

21 3. On August 11, 1997, Applicant's New Mexico pharmacist license was
22 revoked pursuant to a Default Order in New Mexico Case No. 94-028.

23 4. On October 22, 2001, Applicant's New Mexico license was reinstated,
24 subject to probation including participation in a monitored treatment program.

1 5. On February 3, 2005, the New Mexico Board of Pharmacy accepted
2 the voluntary surrender of Applicant's license after Applicant indicated that he could not
3 practice pharmacy safely.

4 6. On August 30, 2005, the New Mexico Board of Pharmacy reinstated
5 Applicant's license under a Stipulated Agreement wherein Applicant agreed to a 10-year
6 probation to include a monitored treatment program.

7 7. In view of Applicant's 4 years of recovery, at the Board's September
8 2009 Board Meeting, the Board voted to license Applicant subject to certain conditions.

9 **CONCLUSIONS OF LAW**

10 1. The Board possesses jurisdiction over the subject matter and over
11 Applicant pursuant to A.R.S. § 32-1901 *et seq.*

12 2. The Board, having weighed all of the above factors and determined to its
13 satisfaction that, despite the actions taken with regard to Applicant's New Mexico license
14 and his history of substance abuse, Applicant currently meets the requirements for
15 licensure under A.R.S. § 32-1922, subject to the terms of this Consent Agreement.

16 **ORDER**

17 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
18 ORDERED AS FOLLOWS:

19 1. Applicant is hereby issued a license to practice as a pharmacist in Arizona;
20 and

21 2. Applicant's license is immediately placed on PROBATION for a period of
22 ten (10) years from August 30, 2005. During the term of PROBATION, Applicant shall
23 complete the following terms and conditions:

24 a. Applicant shall, within ten days of the effective date of this order,
25 sign a contract with Pharmacists Assisting Pharmacists of Arizona ("PAPA")
26

1 which extends for the entire term of his probation. Respondent shall and abide by
2 each and every requirement of the PAPA contract. Failure to sign a PAPA
3 contract, abide by the PAPA contract's terms, or successfully complete the entire
4 term of the PAPA contract is a violation of this Order.

5 b. Applicant shall pay all necessary fees and complete all Continuing
6 Education requirements throughout the term of his probation to maintain his
7 Arizona pharmacist license. However, Applicant may surrender his Arizona
8 license at any time during the probationary period. In the event Applicant
9 surrenders his license, the surrender of Respondent's license shall be treated as the
10 revocation of his license for all purposes, including reporting to the National
11 Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

12 c. Applicant shall furnish all pharmacy employers with a copy of this
13 Board Order throughout the term of his probation. Applicant shall ensure that all
14 pharmacy employers submit to the Board within ten (10) days of entering into an
15 employment relationship with Applicant a written acknowledgement that they
16 have received a copy of this Consent Agreement.

17 d. Applicant shall not serve as a preceptor pharmacist or pharmacist in
18 charge throughout the term of his probation.

19 e. Applicant shall advise the Board immediately of any change in
20 pharmacy employment status throughout the term of his probation.

21 f. Throughout the term of probation, Applicant shall personally appear
22 before the Board when requested to do so by the Board or Board staff.

23 g. Applicant shall furnish the Board with a list of all jurisdictions in
24 which he maintains or has maintained licensure in the profession of pharmacy
25 along with the registration numbers of said licenses.
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1 h. Applicant shall obey all federal and state laws and rules governing
2 the practice of pharmacy.

3 i. If Applicant violates this order in any way or fails to fulfill the
4 requirements of this order, the Board, after giving the respondent notice and the
5 opportunity to be heard, may revoke, suspend or take other disciplinary actions
6 against the Respondent's license. The issue at such a hearing will be limited
7 solely to whether this order has been violated.

8 j. Applicant shall appear before the Board at a regularly scheduled
9 Board meeting five years after the effective date of this Order to request that the
10 probation imposed by this order be terminated. Applicant's failure to petition the
11 Board to terminate the probation shall extend the probation period.

12 k. No sooner than August 30, 2015, Applicant shall request in writing
13 that the Board terminate his probation. Applicant's request for termination will be
14 considered at a regularly scheduled Board meeting. Applicant is required to
15 personally appear at that Board meeting. Applicant's probationary period will
16 continue until Applicant's request for termination is received and the Board
17 terminates the probation.

18 DATED this 15TH day of SEPTEMBER, 2009.

19
20 ARIZONA STATE BOARD OF PHARMACY

21
22 (Seal)

23 By:



24 HAL WAND, R.Ph.
25 Executive Director
26

1 ORIGINAL OF THE FORGOING FILED
this 15 day of Sept, 2008, with:

2
3 Arizona State Board of Pharmacy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

4 EXECUTED COPY OF THE FOREGOING MAILED
5 this 15 day of Sept, 2008, to:

6 Harry R. Pitcher
7 4873 N. Territory Loop
Tucson, Arizona 85750-5927

8 Elizabeth A. Campbell
9 Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
10 Attorney for the Board

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